

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 626, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF VINEGAR.

On or about July 17, 1909, Spielmann Brothers Company, Chicago, Ill., shipped from the State of Illinois to the State of Nebraska 75 barrels of vinegar labeled "Wind Mill Brand Pure Apple Cider Vinegar Manufactured for Paxton & Gallagher Company, Omaha, Nebr." and "Guaranteed Cider Vinegar 4 per centum Spielmann Bros. Co. Mfg." Analysis of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report thereon that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Nebraska.

In due course a libel was filed against the said 75 barrels of vinegar in the District Court of the United States for said district, charging the above shipment and alleging the product so shipped to be adulterated, in that certain substances, to wit, a dilute solution of acetic acid or distilled vinegar and a foreign substance high in reducing sugars, had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength, and in that a product consisting of a dilute solution of acetic acid or distilled vinegar and a foreign substance high in reducing sugars had been substituted wholly or in part for pure cider vinegar; and further alleging the product to be misbranded, in that it was labeled as above set forth and offered for sale as pure apple cider vinegar, when, in truth and in fact, it was not pure cider vinegar but a product prepared in

imitation thereof and consisting of a dilute solution of acetic acid or distilled vinegar and a foreign substance high in reducing sugars, and in that the 75 barrels containing said vinegar and the labels on said barrels and each of them bore a statement regarding the ingredients and substances contained therein, to wit, "Pure Apple Cider Vinegar," which statement was false and misleading, in that none of the said barrels contained pure apple cider vinegar.

On August 30, 1910, the said Spielmann Brothers Company entered its appearance and admitted the allegation of misbranding set forth in the above libel, whereupon the cause came on for hearing and the court being fully informed in the premises issued its decree finding the product to have been misbranded as alleged in said libel, and condemning and forfeiting the same to the use of the United States, with a proviso, however, that the said vinegar should be delivered to the above mentioned claimant upon the payment of the costs of these proceedings and the execution and delivery of a satisfactory bond in the sum of \$400 by said claimant, conditioned that the said vinegar should not be sold or otherwise disposed of contrary to law. The costs having been paid and bond furnished, in accordance with the terms of the above decree, the above mentioned vinegar was delivered to claimant.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *October 6, 1910.*

